

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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**DATE:** NOVEMBER 3, 2006  
**FROM:** SAMUEL MARTINEZ, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT:** **Agenda Item #11:** LAFCO 3068 – City of Loma Linda Annexation No. 06-01  
(Petersen Tract Island)

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## **INITIATED BY:**

City Council Resolution, City of Loma Linda

## **RECOMMENDATION:**

Staff recommends that the Commission approve LAFCO 3068 by taking the following actions:

1. Adopt the Statutory Exemption that has been recommended for this proposal, and direct the Clerk to file a Notice of Exemption within five (5) days of this action;
2. Approve LAFCO 3068 as an island annexation, as defined in Government Code Section 56375.3, with the standard terms and conditions of approval that include the “hold harmless” clause for potential litigation.
3. Waive protest proceedings, as required by Government Code Section 56375.3; and,
4. Adopt LAFCO Resolution #2949 setting forth the Commission’s findings and determinations concerning this proposal.

## **BACKGROUND:**

LAFCO 3068 is a proposed annexation of a totally-surrounded unincorporated island of territory located within the City of Loma Linda’s northern sphere of influence. The annexation area, as initiated by the City, encompasses a total of approximately 28.5 +/- acres generally bordered by a combination of Mission Road and parcel lines on the south, Mountain View Avenue on the west, and parcel lines on the north and east. This area is commonly known as the “Petersen Tract”. Location and vicinity maps and the City’s application are included as Attachments #1 and #2 to this report, respectively.

## **REQUIRED PROVISIONS FOR ISLAND ANNEXATIONS:**

Government Code Section 56375(a) requires the Commission to approve the annexation of “islands” of unincorporated territory and 56375.3 requires the Commission to approve the annexation of island territory without the ability of protest if several basic findings are made concerning the size of the island, the configuration of city boundaries, the lack of prime agricultural land within the island area, the presence of development in the area, and the ability of the study area to benefit from or use municipal services from the City (see Attachment #3 to this report). The staff's responses to the required determinations for LAFCO 3068 (Petersen Tract Island), are outlined as follows:

- The area does not exceed 150 acres; it is 28.5 +/- acres and constitutes the entire island of unincorporated territory;
- The area is totally or substantially surrounded; the area is totally surrounded by the City of Loma Linda boundaries;
- The study area is substantially developed or developing. This determination is based upon the findings that public utilities are available within the area, there are public improvements within the area, and there are physical improvements on all of the properties within the area;
- The study area is not prime agricultural land as such is defined by LAFCO statutes; and,
- The study area will benefit from the annexation and all parcels within the area are currently receiving benefits from the City of Loma Linda through the extension of water service outside the City's boundaries.

Staff has also reviewed the provisions of the Commission's additional policies related to the processing and evaluation of island annexations. Those policies, adopted on March 31, 2005, are as follows:

1. For the purpose of applying the provisions of Government Code Section 56375.3, the territory of an annexation proposal shall be deemed “substantially surrounded” if 52% of its boundary, as set forth in a boundary description accepted by the Executive Officer, is surrounded by (a) the affected City or (b) the affected City and adjacent Cities, or (c) the affected City and a service impediment boundary as defined by the Commission to include, but not be limited to, a freeway, a flood control channel or forest service land.
2. The Commission determines that no territory within an established County Redevelopment Area shall be included within an island annexation proposal, unless written consent has been received from the County Board of Supervisors and County Redevelopment Agency.

3. The Commission directs that a City proposing to initiate an island annexation proposal shall have conducted a public relations effort within the area prior to the adoption of its resolution of initiation. Such efforts shall include, but not be limited to, providing information on the grandfathering of existing legal County uses into the City, costs to the resident/taxpayer associated with annexation, and land use determinations. Documentation of these efforts shall be a part of the application submitted for consideration by the Commission.

The discussion below addresses the Commission's additional policies related to "island" annexations: 1) the aspect of being substantially surrounded does not apply since the annexation area is totally surrounded by the City; 2) the annexation area is not within a County Redevelopment Area; therefore, no consent is needed from the County; and 3) the City of Loma Linda conducted an outreach meeting on August 7, 2006 to discuss the issues of land use, plan for service, and costs, if any, to the residents, etc.

Based upon the information outlined above, it is the staff's position that these mandatory determinations are clear; therefore, the Commission is:

- a) Required by Government Code Section 56375(a) to approve the proposal as submitted by the City of Loma Linda; and,
- b) Required to approve it without the ability to protest from landowners and registered voters within the area (Government Code Section 56375.3).

The following provides a summary of the balance of the issues which the Commission reviews and considers in all annexation proposals – land use, service effects and the effect on other levels of government, including environmental considerations.

**LAND USE:**

The study area is currently built-out with residential development. It is surrounded by commercial uses on the north, an easement of the Southern California Edison Company on the east, and residential uses to the south and west, all within the City of Loma Linda.

The City's General Plan land use designation for the area is Low Density Residential (Single-Family Residential with a density of 2.1 to 5.0 dwelling units per acre). The current County land use designation for the annexation area is EL/RS (East Loma Linda/Single Family Residential, 6,000 sq. ft. minimum lot size). The land use determinations between the City and the County are generally compatible.

The City has pre-zoned the annexation area R-1 (Single-Family Residence, 2.1 to 5.0 dwelling units per acre). This pre-zone designation was established through adoption of City of Loma Linda Ordinance 656 on September 12, 2006, and is consistent with the City's General Plan designation. Pursuant to the provisions of Government Code Section 56375(e),

this zoning designation shall remain in effect for a minimum of two years following annexation unless specific actions are taken by the City Council at a public hearing.

### **PLAN FOR SERVICE**

The City of Loma Linda has provided a “Plan for Service” for this proposal as required by law and Commission policy. The plan is attached to this report for Commission review as Attachment #2, and in general, identifies the following:

- All properties within the annexation area are currently on septic systems for wastewater disposal. Annexation to the City of Loma Linda will allow for properties to arrange for receipt of sewer service through the City; however, this will require installation of sewer mains to the interior of the island area to serve the properties. There will be no effect on existing septic system users in the unincorporated area, except for septic system failures which would require sewer service.
- Water service is already provided to the annexation area by the City. No change in this service will take place upon annexation. However, the area will benefit from a lower water rate since customers outside the City pay approximately 15 percent more than the in-City bi-monthly rate for water service.
- Law enforcement responsibilities are currently provided by the San Bernardino County Sheriff’s Department, which will continue to serve the area following the completion of the annexation. The City contracts for its law enforcement services with the County Sheriff’s Department. The City anticipates that the same level of service will be provided to the area upon annexation since the area is totally built-out. The dispatch and supervisory control are from the Sheriff’s Central Station located at 655 East Third Street in the City of San Bernardino, with a response time of less than 5 minutes.
- Solid waste services are currently provided by Waste Management within the annexation area, which will continue to serve the area upon annexation. There is no rate difference between outside and in-City; however, Waste Management has the right to ask for an annual rate increase as long as it is justified.
- Fire protection and paramedic services are currently the responsibility of County Service Area 38 (CSA 38). However, the County has contracted with the City of Loma Linda for the provision of this service since 1997 and it recently renegotiated its contract for payment of these services on June 13, 2006. The Plan for Service indicates that LAFCO 3068, combined with LAFCO 3069 (Bryn Mawr Islands), will require a renegotiation of the contract payment, anticipated to reduce the total payment to \$13,000 (\$25,000 contract reduced by \$12,000 from within the island areas). However, the property tax transfer resolution adopted by the City and County show that the City will receive the existing \$20,783 from CSA 38 as a part of this annexation process.

The City’s fire station is located at Barton Road and Loma Linda Drive, indicating that the response time to the annexation area is four minutes and thirty seconds.

In addition, the City has automatic aid agreements with the Cities of Redlands, San Bernardino, and Colton.

As required by Commission policy and State law, the Plan for Service submitted by the City of Loma Linda shows that the extension of its services will maintain, and/or exceed, current service levels provided through the County.

**ENVIRONMENTAL CONSIDERATIONS:**

The Commission's Environmental Consultant, Tom Dodson and Associates, has reviewed this proposal and has indicated that it is his recommendation that this island annexation is statutorily exempt from the California Environmental Quality Act (CEQA). This determination is based on the fact that the Commission has no discretion in its review of this proposal and must approve the project. Such a "ministerial action" is exempt from environmental review pursuant to Section 15268 of the State CEQA Guidelines. A copy of Mr. Dodson's analysis is included as Attachment #4 to this report. It is recommended that the Commission adopt the Statutory Exemption for this proposal and direct the Clerk of the Commission to file a Notice of Exemption with the appropriate agency within five days.

**FINDINGS:**

The following findings are required to be provided by Commission policy and Government Code Section 56668 for all proposals considered:

1. The Registrar of Voters Office has determined that the study area is legally inhabited, containing 163 registered voters as of September 11, 2006.
2. The study area is within the sphere of influence assigned the City of Loma Linda.
3. The County Assessor's Office has determined that the assessed valuation of land and improvements for the area is \$16,465,650 (\$4,250,554 – value of land; \$12,215,096 – value of improvements).
4. Legal advertisement of the Commission's consideration has been provided through publication in *The Sun* and the *Loma Linda City News*, newspapers of general circulation within the study area. As required by State law, individual notification was provided to affected and interested agencies, County departments and those agencies and individuals requesting mailed notice.
5. All notices required by State law and local Commission policies have been provided. LAFCO staff has provided individual notices to landowners and registered voters within the annexation area (totaling 286) and to landowners and registered voters surrounding the annexation area (totaling 985 notices). Comments from landowners and any affected local agency have been reviewed and considered by the Commission in making its determinations. To date, no written protest or opposition to this annexation and the island annexation provisions have been received.

6. The City of Loma Linda has pre-zoned the study area R-1 (Single-Family Residence, 2.1 to 5.0 dwelling units per acre). This zoning designation conforms to the Low Density Residential designation for the area as identified on the City's General Plan. The pre-zone designation is consistent with the existing land use for the area, and this designation will take effect upon annexation. Pursuant to the provisions of Government Code Section 56375(e), this zoning designation shall remain in effect for a minimum of two years following annexation unless specific actions are taken by the City Council at a public hearing.
7. The Commission's Environmental Consultant, Tom Dodson and Associates, has indicated that the review of this island annexation is statutorily exempt from the California Environmental Quality Act (CEQA). This recommendation is based on the finding that the Commission's approval of this application is ministerial, in that based upon the findings required by Government Code Section 56375(a), the Commission has no discretion in its action on the proposal other than approval. Therefore, a Statutory Exemption as authorized under Section 15268 of the State CEQA Guidelines is appropriate. A copy of Mr. Dodson's response is included for the Commission's review as Attachment #4 to this report.
8. The City has submitted a "Plan for Service" as required by law which indicates that the City can, at a minimum, maintain the level of service delivered and can improve the level and range of selected services currently available in the area. A copy of this Plan is included for the Commission's review as Attachment #2.
9. The area in question is presently served by the following public agencies:  
  
County of San Bernardino  
Inland Empire Resource Conservation District  
San Bernardino Valley Municipal Water District  
San Bernardino Valley Water Conservation District  
County Service Area 38  
County Service Area 70  
Loma Linda Redevelopment Project No. 2  
  
CSA 38 and CSA 70 will be detached through successful completion of this annexation. None of the other agencies will be directly affected by the completion of this proposal through an adjustment in their boundaries as they are regional in nature.
10. The annexation proposal complies with Commission policies and directives and State law that indicate the preference for all island areas to be included within the boundaries of the City surrounding them to provide for a more efficient and effective service delivery system.
11. The study area has benefited and can benefit from the availability of municipal-level services from the City of Loma Linda.

12. This proposal will have no effect on the City of Loma Linda's ability to achieve its fair share of the regional housing needs since the area is already built-out with residential development.
13. The County of San Bernardino and the City of Loma Linda successfully negotiated a transfer of property tax revenues that will take effect upon completion of this annexation. This negotiated agreement fulfills the requirements of Section 99 of the Revenue and Taxation Code.
14. The map and legal description, as revised, are in substantial compliance with LAFCO and state standards through certification by the County Surveyor's Office.

**CONCLUSION:**

It is the staff's determination that LAFCO 3068 is essentially a ministerial action. This determination is based upon the finding that the Commission is required by Government Code Section 56375(a) to approve this proposal if it makes the mandatory findings outlined in Section 56375.3. Staff believes these findings are easily made in this case, as follows:

- The study area consists of 28.5+/- acres total, less than the 150 acre threshold as defined in Section 56375.3;
- It is wholly surrounded by City boundaries;
- It is within the City of Loma Linda's sphere of influence;
- It is substantially developed or developing;
- It does not contain any prime agricultural land; and,
- It has benefited and can benefit from the availability of municipal services from the City of Loma Linda.

If the Commission concurs with these staff determinations, then it is required to approve this proposal, regardless of any protest that might be submitted at the hearing.

SM/

**Attachments:**

- 1 -- Vicinity and Location Maps
- 2 -- City of Loma Linda Application
  - Justification for Proposal
  - Supplemental Form
  - Plan for Service
  - Addendum to the Fiscal Impact Analysis
  - Supplemental Information Regarding AB 1602 Funding
  - Addendum to the Plan for Service
- 3 -- Government Code Sections 56375 and 56375.3

- 4 -- Letter from Tom Dodson and Associates
- 5 -- Draft Resolution No. 2949